PF. 50693

G. R. S. IX-5]

Previous references. 1894 4.5

~~192~~

(2K)

File No 142 of 94

Serial Nos 1–5

Later references.

2K 117 of 93

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1–5

Major ~~Part~~ B for March 1895

SUBJECT.

Appeal of Seetharamaiah regarding the Shanbhaga of Banavara in Bangalore Taluk

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Countermarked ink

Indexed

WD 2293—GPB—20,000—11-6-20

Before the Government of *His Highness* the Maharaja of Mysore.

Petition ~~Appeal~~ No. 1030 of 94-95

Appellant. vs. Respondent.

Sitaramaya
by Mr Bhima Rao
Advocate

~~Decision.~~

Notice served.

8. 3. 95.

Counsel again reiterating the facts of the case it may be observed that in the first place the Petr., having transferred his right to the Respondent more than twelve years ago, the suit is barred by the Statute of limitation to revive his claim. He has no locus standi if it is contended that his application is in behalf of any reversioners who have not been named and whose existence is not a matter of

If there are any such they are to be disregarded by the Tribunal certainly. The objection based on the law of limitation can be taken at any stage of the case and the Petr is not entitled to an exceptional treatment. His suit is liable to be dismissed on this ground - The Dy Commr has amended the Decree, and in the result the Petr's suit - His appeal is untenable and is dismissed.

11/3/95

Under the seal of Abdul Rahman Esq.

Examined
Asstt Registrar
18/3

P.A. 86/93

Gen. Serial No. 32.]

3

189

No. 1030

Name of Petitioner. [illegible]

Village

Taluk. Ft Daiyalore

District.

Date of [illegible] 13-10-94

Date of Receipt 15-10-94

Date of Disposal

No. of Enclosures

ABSTRACT.

[illegible] an appeal [illegible]

order of the Deputy Comr Bangalore

District on Rev. appeal suit no 6 of

1894

23/10

Very urgent

The Deputy Commr
Bangalore District

LR 1423-94-2

(11)

Has the honour to request
that the records returned with
Office No 12860 dated
P.7.86-93 with subsequent proceedings, if any,
January 94 may be
submitted to Board to reach this office by 10th
inst, for
reference in connection with
No 1030 of 94-95 from
Gramanya, which is
fixed for hearing before
Council on Friday the
instant.

Pet 1183 of 5/3/95

By Order
5/3/95
Offg Chief Secretary

5/3

Vakalatnama stamp

Received
on 12-10-94
Registry

19/10/94

In the Court of the Commissioner & His Highness
The Maharaja of Mysore. Bangalore
his Rev. appeal No. of 1894-95

Appellant (Plff) Respondents (Defts)
Seetharamiah

Appeal against decree dated 29th June 1894

The Appellant above named most respectfully begs to prefer this appeal against the order passed on the 29th June 94 by the Deputy Commissioner, Bangalore district, in Rev. appeal No. 4 of 1894 on the file of this Court for the following amongst other reasons viz:

I That the lower Court erred in dismissing plaintiff's suit

II That the Deputy Commissioner had no jurisdiction to amend his decree which confirmed the lower Court decree in Rev. appeal No. 2 of 1893 on the 30th September 1893.

III That the opinion of the Government of Mysore expressed in Rev. appeal No. 6 of 92-93 is obiter dictum and the lower Court was not bound to follow it.

IV That the decree of the lower Court was quite consistent with the judgment passed by it

Grounds of appeal

V That if there was any inconsistency at all in the judgment the remedy of the respondents was by a regular appeal to this Honorable Court within the time limited by law and they not having done so, are now precluded from saying that the decree is not in conformity with the judgment and that they are concluded by the judgment of the lower Court in appeal

VI That according to the judgment of the lower Court Appellants name was ordered to be restored in the register of Shanbhogs and the 2nd Defendants name struck off as his Gumasta and the decree has been drawn up in accordance with it and thus there is no inconsistency or incongruity

VII That the order of the Lower Court is against Law & Procedure

VIII For these reasons Appellant prays that this Honorable Court will be pleased to reverse the order of the Lower Court and direct that the original decree may be restored

Bangalore
the 13th October 1894

Appellants

Gen. Serial No. 31.] Secy to Govt

OFFICE OF THE
11368
6 MAR. 95
D. C. 478

From The Asst Commissioner
Bangalore district

To Chief
The Secretary to the
Dewan of Mysore.

Dated 6th March 95.

Despatched

Received 7

Enclosures—No. 5 files

General No.
D No. 1057

LR 142-94-3

As requested in the Chief Secretary's Letter No. 1183 of the 5th Lieutenant Colonel to submit the records returned with the Government Memo: No. 12860 dated 30th January 1894 and also the subsequent proceedings.

P.T. 86.93

A. Narasimiengar
Asst Commissioner
Bangalore

No. 1030

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

189

Endorsement granted to Seetaramiah (14)
presented by Mr. Khima Rao advocate.

in reply to his Petition Registered No. 1030 dated 13th Oct 1894
appealing against Rev. Commissr order dated 29th
June 1894 dismissing his suit regarding his claim to the Shanbogi
of Banavar, Bangalore taluk.

Petitioner is informed that his appeal is untenable
and has been dismissed.

2 - The Encl. is returned

LR 142-94-5

"By Order"

14/3/95

Chief Secretary.

Commd. a.d.r.
14.3.95 Draft
14/3/95
13/3.
13/3

M. G. C. P. Bangalore—6-3-94.—2000.

Before the Government of *His Highness* the Maharaja of Mysore.

8

Appeal No. Petn 1830 of 94-95

(13)

Appellant.	Vs.	Respondent.
Lingaraniah represented by Mr. Bheema Rao Advocate.		Narsiah & Timmappa

LR 142-1949

Decision.

8th March 1895.

This is an appeal against the order of the Dy. Commissioner Kanara dated 27th June 1894, dismissing his claim in Suit No. 5 of 1893-94 on the file of his Court, against the Respondents claiming 5/8 of the Inamdari rights of Banavara, Kanara Taluk, ~~which they enjoy as Inamdars, Claim having been rejected by Court in Suit No. 1893-94~~.

2. Without going into the merits of the case it may be observed that

that in the first place
the petitioner having
transferred his right
to the Respondent more
than twelve years before
he went to serve his claim
to serve his claim
he went to have, by
the Statute of Limitation
~~became his claim~~.
He has no locus standi
if it is contended that
his agitation is in
behalf of any persons
convicted who have
not been named and
whose existence is not
a matter of record. If
there are any such, they
are of course not precluded
by these proceedings.
The objection based on
the Law of Limitation can
be taken at any stage
of the case and the petitioner
is not entitled to any
exceptional treatment.
His suit is liable to
be dismissed on this
ground. The Ag. Coroner
has amended his deed
and in the recitals dis-
missed the petitioner's
suit. This appeal is
untenable and is

dismissed

2/

Received

Bangalore

14/3

Received 14/3

V

No 1542 5-
Forest 50-93 Dt 14-3-95
21.

Copy forwarded with
Conservator, Bangalore
District returning the
woods received with
his Docket No: 1057
dated 6th March 1895.

14/3

14/3

Received

14/3

Received 14/3

Conservator.

SUR

14/3

Abstract
SUR 14/3

(5)

1030.

By order

Asst. Chief Secretary

21/3/95